

UNITED STATES OF AMERICA

vs.

JEFF FRANCIS TILLOTSON

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No. 2:08-cr-33

GREER/INMAN

**BRIEF IN SUPPORT OF DEFENDANT'S MOTION IN
LIMINE TO PREVENT THE GOVERNMENT FROM PUBLISHING
PORNOGRAPHIC PICTURES TO THE JURY BECAUSE
SAME ARE NOT RELEVANT TO THE JURY'S
DETERMINATION IN THIS CASE AND IF RELEVANT
UNDER SOME THEORY THEN SAME WOULD BE
MORE PREJUDICIAL THAN PROBATIVE**

NOW COMES, the Defendant, Jeff Francis Tillotson, by counsel, and files this brief in support of his Motion In Limine to prevent the Government from publishing pornographic pictures to the jury because same are not relevant to the jury's determination in this case and if relevant under some theory then same would be more prejudicial and probative.

1. The defense concedes that certain images either downloaded by Federal agents or recovered from the Defendant's computer do constitute child pornography in the meaning of the applicable Federal Criminal statutes.
2. The Defendant agrees to stipulate that such materials constitute child pornography.
3. Since the determination as to whether or not these materials

constitute child pornography is not at issue then these images would not be relevant for the jury's determination with regard to its decision in this particular case.

4. Even if the images were to be considered relevant, their introduction would be more prejudicial than probative as outlined in Rule 403 of the Federal Rules of Evidence.

5. The defense contends that the only reason that the Government would introduce same would be to inflame the passions of the jury beyond reason against the Defendant.

WHEREFORE, the Defendant respectfully prays that this Honorable Court prevent the Government in its case in chief from publishing such photographs to the jury.

Respectfully submitted,

JEFF FRANCIS TILLOTSON

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed with the Court's ECF filing system which has forwarded the same to all counsel entitled to receive notice. All other interested parties have been served by United States mail with sufficient postage to carry the same to its destination.

This 21st day of July, 2008.

s/E. Lynn Dougherty _____
E. Lynn Dougherty